

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS

FILED

SEP 02 2014 CIV-1

Anthony P. ...
Clerk of the
Circuit Court

ROGER KANERVA, SUSAN HAURY, MARY)
FRANCES WELTERS, COLLEEN VOTSMIER)
and NEIL HOOVER, on behalf of a Class of)
Persons Similarly Situated,)

Plaintiffs,)

-vs-)

MALCOLM WEEMS, Director of the Illinois)
Department of Central Management Services;)
DAN RUTHERFORD, the Treasurer of the State)
of Illinois, THE BOARD OF TRUSTEES OF THE)
STATE EMPLOYEES' RETIREMENT SYSTEM)
OF ILLINOIS; and JUDY BAAR TOPINKA,)
Comptroller of the State of Illinois,)

Defendants.)

Case No. 2013-MR-408

and

Case No. 2012-MR-582

and Consolidated Cases

ORDER

1. Defendants are enjoined from withholding any health insurance premiums pursuant to P.A. 97-695 from any pension payments from any of the five pension systems. Defendants advise the Court that because of the administrative realities of the Retirement Systems, the checks issued for annuitants for August and September may have funds withheld, simply because those payments are already being processed through the systems. All withholding will cease as of the checks issued for the October annuity payment for each System.

2. Except as provided in paragraph 3, to the extent that amounts are withheld from any checks issued after the date of this injunction, those amounts shall be held in the Health Insurance Reserve Fund at CMS, and will be separately identified to allow for distribution if so ordered, and which can be subject to a distribution order from this Court, free from any claims of sovereign immunity or other defenses from the Defendants which would delay the return of those withheld amounts to the annuitants.

3. The injunction heretofore entered in 2013-MR-408 remains in place, and Defendants are ordered to continue to pay all funds withheld from SERS annuitants into the escrow account created pursuant to that order.

Entered this 24 day of August, 2014.

Shardull

Associate Circuit Judge